

TOWN OF MONUMENT
MINUTES OF THE BOARD OF TRUSTEES
REGULAR MEETING

Monday, December 5th, 2011

6:30 P.M. Board of Trustees Regular Meeting

Call to Order, Roll Call, Pledge of Allegiance, Approval of Agenda

Mayor Easton called this Regular Meeting of the Board of Trustees of the Town of Monument, Colorado to order at 6:30 P.M., at Monument Town Hall. Mayor Easton led those assembled in the Pledge of Allegiance. The following Board members and Staff were present for the meeting:

BOARD OF TRUSTEES:

Present:

Mayor Easton
Trustee Dominguez
Trustee Drumm
Trustee Gingrich
Trustee Kaiser
Trustee Plank
Trustee Squires

TOWN STAFF:

Catherine Green, Town Manager
Gary Shupp, Town Attorney
Steve Burk, Police Lieutenant
Tom Tharnish, Town Water
Superintendent
Pamela Smith, Town Treasurer
Tom Kassawara, Director of
Development Services
Scott Meszaros, Town Clerk

Also present were:

Jim Kendrick	Tim Miller	Dave Lemons	Bob Croft
Kathy Spence	David Gwisdalla	Jim Fitzpatrick	Josh Erramouspe

Mayor Easton requested that the agenda be amended by adding an Executive Session with the Town Attorney. Trustee Drumm requested that item #7 (Pikes Peak Regional Building Code Item) be moved up as the first ordinance as there are several persons in attendance for the item. Trustee Plank made a motion to approve the agenda as amended, seconded by Trustee Dominguez. The motion passed unanimously 7-0.

1. Approval of Minutes of November 21st, 2011 Regular meeting

No changes were noted.

Trustee Plank made a motion to approve the minutes of November 21st, 2011 for the Regular Meeting as presented. Trustee Dominguez seconded the motion. The motion passed 5-0-2 as Trustees Drumm and Squires abstained.

Public Comments

Mr. Tim Miller, Monument resident, inquired about three items; the lights and timing of intersections at Baptist Road and Leather Chaps, abandoned Storm Pipes located east of Leather Chaps in the “mouse habitat” and chip sealing (frost heaving) of recently repaired asphalt along sidewalks in his neighborhood. He desires to have the Town contact the County regarding the stop signals and the long wait times when there is no traffic late at night.

Ms. Catherine Green, Town Manager responded that she will be at the Triview Metropolitan District meeting next Tuesday and she will inform them about the complaint of the “storm pipe” as she recalls Mr. Rich Landreth investigated and found out that Triview originally placed the pipes where they are located. She stated that she will inform them about the resident complaints and requests to have the concrete storm pipes removed.

Mr. Tom Kassawara, Director of Development Services stated that he will contact “Andre Bracken” with the County regarding the traffic signals.

Resolutions:

2. Resolution #31-2011, a resolution re-appointing members to the Planning Commission

Mr. Tom Kassawara, Director of Development Services explained that notices and advertisements regarding open appointments to the Planning Commission resulted in no new applicants. Therefore, he recommends re-appointing Ed DeLaney, Jim Fitzpatrick, David Gwisdalla, and Kathy Spence to serve for terms through December of 2013.

Trustee Drumm made a motion to approve Resolution #31-2011, a resolution re-appointing members to the Planning Commission, seconded by Trustee Kaiser. Motion passed 7-0.

3. Resolution #32-2011, a resolution to authorize the certification of the Property Tax Mill Levy

Ms. Pamela Smith, Town Treasurer explained that the property tax mill levy must be certified to the Board of County Commissioners no later than 4:30 pm on Thursday, December 15, 2011. As attested by the attached worksheet, the calculation for the 2012 mill levy will again be 6.289 mills. There is no change to the 2011 mill levy. The allowable dollar amount for 2012 property tax collections is \$769,245 which would produce a property mill levy of 7.467, being an increase this would not be allowed by TABOR without voter approval in advance of such an increase. Therefore the mill levy of 6.289 mills will generate revenue for 2012 in the amount of \$648,749 which is a decrease of \$64,238 over 2011 revenues, due to the property re-assessment of 2011. This meets the “5.5% Property Tax Revenue Limit” and TABOR restrictions. She requested that the Board approve the resolution to authorize certification of the Property Tax Mill Levy to the El Paso County Assessor for the fiscal year 2011, budget year 2012, beginning on the first day of January 2012 and ending on the last day of December 2012.

Trustee Drumm made a motion to approve Resolution #32-2011, a resolution to authorize the certification of the Property Tax Mill Levy, seconded by Trustee Gingrich. Motion passed 7-0.

4. Resolution #34-2011, a resolution accepting Valic Plan items

Ms. Catherine Green, Town Manager explained that the Town annually accepts updates from Valic relating to administrative management of the plan. This year however, they have requested a formal resolution adopting the proposed annual amendments. She explained that this is a housekeeping item which now has a formal resolution of approval rather than just a notification how it was previously done. Ms. Pam Smith, Town Treasurer is our designated Town of Monument contact on this. There were no questions.

Trustee Plank made a motion to approve Resolution #34-2011, a resolution accepting Valic Plan Amendments, seconded by Trustee Dominguez. Motion passed 7-0.

Ordinances:

7. Ordinance #20-2011, an ordinance adopting and enacting the 2011 Edition of the Pikes Peak Regional Building Code (moved up on agenda)

Mr. Tom Kassawara, Director of Development Services explained that as a participating jurisdiction in the Pikes Peak Regional Building Department (PPRBD), the Board is being asked to approve the 2011 Code. The 2011 Code implements amended versions of the 2009 International Building Code, the 2009 Mechanical Code, the 2009 Fuel Gas Code, the 2008 National Electric Code, the 2009 International Plumbing Code, the 2009 International Energy Conservation Code, and various ASME and Fire Contractors regulations. This version is intended to replace the 2005 version of the Code. Only the technical regulations are proposed to be changed – all administrative requirements are to remain the same. The cities of Colorado Springs, Fountain, Town of Palmer Lake, Manitou Springs, and El Paso County have already approved these revisions. The only remaining entities are Green Mountain Falls, and us.

Mayor Easton opened the public hearing for comments. Mr. Tim Miller commented that he has heard that there is now a requirement to have a Carbon Monoxide (CO) detector associated with permit approval on some items.

Mr. Bob Croft, Regional Building representative, responded that Mr. Miller's comment is correct. The International Building Code drives this and it is beneficial to existing occupants, not just new ones. He explained that any gas appliance, basement finish, or expansion requires the detector be installed.

Trustee Dominguez inquired if the "HBA" has approved the adoption of the new codes. Mr. Croft responded that the "HBA" has participated and been in consensus with all of the new Code adoption items.

The public hearing was closed and the item brought back before the Board for further discussion and a possible motion.

Trustee Drumm made a motion to approve Ordinance #20-2011, an ordinance adopting and enacting the 2011 Edition of the Pikes Peak Regional Building Code, seconded by Trustee Dominguez. Motion passed 6-1, Trustee Kaiser voted no.

5. Ordinance #21-2011, an ordinance approving a Preliminary/Final PD Site Plan for Lot 4, Valley Vista Estates, Filing No. 3, (KUM &GO Convenience Store)

Mr. Tom Kassawara, Director of Development Services provided an overview of the Staff Report detailing the analysis of the review criteria. He discussed the Planning Commission hearing recommendations from the hearing on November 16, 2011. He reviewed the five (5) conditions of approval and explained the outstanding significant issue of the right-in access from Highway 105 which needs to be approved by El Paso County. He explained the Traffic Impact Analysis and explained that the inclusion of the traffic from the proposed site results in the maintenance of the current Level of Service (LOS) of "D". He explained that as Village Center retail development continues, certain vehicle count thresholds will mandate roadway improvements at the intersection.

Mr. Dave Lemons, Kum & Go, LLC representative provided a power point overview of the corporate model and design features of the proposed store and site. He discussed how they will continue to work and urge El Paso County and the Colorado Department of Transportation to examine the signal and at Knollwood Drive. He added that the awning cover issue has already been modified to the suggestion provided by Staff and the Planning Commission. He explained the staffing and management positions and that this is the first store in El Paso County.

Mr. Josh Erramouspe of Olsson Associates, on behalf of Kum & Go, LLC, spoke in regard to the architectural components and amenities of the store to include prepared foods.

Mayor Easton opened the public hearing for comments. Seeing none, the public hearing was closed and the item brought back before the Board for further discussion and a possible motion.

Trustee Dominguez made a motion to approve Ordinance #21-2011, an ordinance approving a Preliminary/Final PD Site Plan for Lot 4, Valley Vista Estates, Filing No. 3, (KUM &GO Convenience Store), seconded by Trustee Plank. Motion passed 7-0.

6. Ordinance #22-2011, an ordinance approving Monument Code Section 17.56.110.G "Exempt Signs"

Mr. Tom Kassawara, Director of Development Services provided an overview of the Staff Report and Planning Commission hearings. Following an October 12th Planning Commission hearing, Staff revised the regulations based on the direction provided and then held a second hearing on November 9th. From that second hearing, the sign revisions now being presented were recommended for approval by the Planning Commission by a 4 to 1 vote. Staff agrees with the dissenting vote and does not concur with the Planning Commission recommendation to allow a human sign for each business establishment in a shopping center at every entrance of a property or shopping center. Staff recommends that only one human sign be allowed for each business at any one time on a property or shopping center.

Mayor Easton opened the public hearing for comments. Seeing none, the public hearing was closed and the item brought back before the Board for further discussion and a possible motion.

Discussions regarding the word modifications such as “one” or “any” were discussed; ultimately the motion was presented as Staff drafted the proposed item. Trustee Plank commented that she thinks having a human sign at every entrance to a shopping center is “ridiculous”. Trustee Drumm commented that he does not think we should be telling business owners how they should handle such advertisement.

Trustee Drumm made a motion to approve Ordinance #22-2011, an ordinance approving Monument Code Section 17.56.110.G “Exempt Signs”, seconded by Trustee Kaiser. Motion passed 4-3, Trustees Dominguez, Gingrich, and Plank voted no.

8. Ordinance #23-2011, an ordinance the “Monument Zoning District and Town Boundary Map”

Mr. Tom Kassawara, Director of Development Services explained that the proposed map has previously been administratively adopted and Staff has prepared an updated Zoning District Map to be adopted by Ordinance. Staff has provided new language on the Map stating that the map is adopted pursuant to Chapter 17.12 “Zoning Districts Designated”. The updated language states that the Map and all explanatory material on the Map is adopted by reference and declared to be part of Title 17 “Zoning” of the Monument Municipal Code. An “Official” Town Map with signatures of the Planning Commission Chair and the Mayor strengthens the Map from a legal standpoint if there is ever any question about the zoning district boundaries, property lines, or rights-of-way. He recommended approving the proposed ordinance.

Mayor Easton opened the public hearing for comments. Seeing none, the public hearing was closed and the item brought back before the Board for further discussion and a possible motion.

Trustee Dominguez made a motion to approve Ordinance #23-2011, an ordinance the “Monument Zoning District and Town Boundary Map”, seconded by Trustee Gingrich. Motion passed 7-0.

9. Ordinance #24-2011, an ordinance adopting a Budget for the Town of Monument

Ms. Pamela Smith, Town Treasurer reviewed all of the Budget changes which were presented in the “2012 Final Budget Assumptions”. The Board and interested taxpayers have had opportunity to commend and/or change the Budget document prior to adoption. All legal postings have been completed and verified. There was several detail explanation questions asked regarding specific line items, no changes were made. Mayor Easton highlighted some grammatical and wording changes that he recommended be made in the “Letter to the Mayor and Board of Trustees from the Treasurer”.

Mayor Easton opened the public hearing for comments. Seeing none, the public hearing was closed and the item brought back before the Board for further discussion and a possible motion.

Trustee Drumm commented that he is dissatisfied in seeing that the Police Chief did not find a way to put the purchase of a police vehicle into his budget. He did not agree with the lease-purchase of an "Impala" and stated that a "Tahoe" purchase would be a better use of funds than leasing police cars "like we got away from". He then handed out some photographic images of ideas he would like to see implemented at the cemetery. He stated that he would have desired to have had \$20k allocated towards such improvements as the photographs displayed. The Board did not allocate any additional funds towards Trustee Drumm's suggestion (\$1000 is in the budget allocated towards Cemetery projects). The Mayor and several Trustees responded that they would like to see a "work plan" or some type of formal research done on the costs and returns of such improvements. Trustee Dominguez repeated several times that the Cemetery projects should be referred to as "sustainment" funds rather than generating revenues; he stated that the operating and maintenance costs heavily out way any kind of revenue generation.

Trustee Plank made a motion to approve Ordinance #24-2011, an ordinance adopting a Budget for the Town of Monument, seconded by Trustee Gingrich. Motion passed 7-0.

10. Ordinance #25-2011, an ordinance appropriating sums of money to the various Town of Monument Funds

Ms. Pamela Smith, Town Treasurer explained that this ordinance appropriates the funds to various accounts for the approved 2012 Town of Monument Budget.

Mayor Easton opened the public hearing for comments. Seeing none, the public hearing was closed and the item brought back before the Board for further discussion and a possible motion. There was no further discussion on the item.

Trustee Squires made a motion to approve Ordinance #25-2011, an ordinance appropriating sums of money to the various Town of Monument Funds, seconded by Trustee Gingrich. Motion passed 7-0.

Financial Reports and Updates:

11. Disbursements over \$5,000

None presented

12. October 2011 Financials

Ms. Pamela Smith, Town Treasurer, reviewed the Background Paper detailing the October 2011 Financials. There were no questions.

Trustee Dominguez made a motion to approve the October 2011 Financials, seconded by Trustee Gingrich. Motion passed 7-0.

Public Comments

None

Executive Session: Monument Board of Trustees Discussion on Pending Litigation, legal advisement with the Town Attorney C.R.S. 24-6-402(4) (e)

Trustee Plank made a motion at 9:02 pm to enter into executive session following a five-minute break, Trustee Gingrich seconded the motion. Motion passed 7-0.

Adjournment

Trustee Plank made a motion to adjourn at 9:15 pm, seconded by Trustee Gingrich. The motion passed unanimously 7-0.

Respectfully Submitted,

Scott W. Meszaros, CMC
Town Clerk